

## REMARKS

A period has been added at the end of claim 13. This change is purely pedantic in nature and does not change the scope of the claim.

### Changes to the specification

The specification has been amended to delete the URL and leave a non executable reference. A copy of the related Internet document is enclosed.

### Rejections under section 112

The rejections under section 112 are respectfully traversed.

The use of the term “and/or” in claim 11 is alternative claiming. Alternative claiming is now permitted in the US. The cases that prohibited alternative claiming in the 19<sup>th</sup> century are no longer considered controlling.

Applicant accordingly respectfully submits that the Examiner’s rejection based on the alternative phrase “standard credit card and/or standard business card,” is without basis in law. *Please see MPEP 2173.05(h)II.*

Herein, Applicant has amended claim 13 to recite “a” rather than --the--. This change was made to improve the form of the claim. No change to the scope of the claims is intended. Applicant respectfully submits that the claims now and previously also did satisfy 35 U.S.C. § 112.

Although a change has been made herein in an effort to advance prosecution and improve the form of claim 13, Applicant respectfully traverses the rejection of this claim under section 112. This rejection would have been better phrased as an objection, since the issue pointed to

## REMARKS

failed to rise to the level of true indefiniteness under section 112, and instead relates to issues of style and preference and is purely pedantic in nature.

### Reciting the medium

Applicants respectfully disagree with the Examiner's reasoning. Suppose one were claiming a case for a tennis racket, or a piece of luggage suitable for holding a laptop computer, or a chair sufficiently large to accommodate a morbidly obese person of a known size. In none of these cases would the object or person being held be relevant to the case, luggage, or chair. The case, luggage or chair, though adapted to hold an object of a known size or several known sizes, is a product in and of itself that is not dependent on the object being held. Indeed in the case of the chair, it would possibly be illegal to claim the person being held. Applicant respectfully submits that the Examiner's position that the medium itself must be recited is without basis in law.

### Standard size

Applicants again respectfully disagree with the Examiner's reasoning. Applicants respectfully submit that if the Examiner went to a printer or stationery supply store and asked for a "standard" business card and received anything other than a 2.5"x3" business card, the Examiner would immediately become annoyed and point out that the card delivered was not "standard." The fact that other "custom" cards are available does not change that a 2.5"x3" is "standard" business card in this country. The fact that other countries have different "standards" does not make the claim indefinite. First, those standards are known in those countries and are therefore "standard," and constitute alternative claiming, as discussed above. Second, this is a

## REMARKS

US Patent and only has to be clear here. Enclosed is a printout from the website of Office Depot, a well-known and very large retail merchant with stores throughout this country. This printout cites prices for “standard” business cards. Given that this term is on the website of this well known merchant, and refers to the same sized product throughout the country, this is clearly a well-understood term.

With respect to credit cards, their size is governed by ISO 7810, an internationally recognized standard. Applicants enclose a page from Wikipedia describing this standard.

Applicant accordingly respectfully submit that the Examiner’s objection to the word “standard” is incorrect. Reconsideration is respectfully requested.

### Art rejections

The art rejections are respectfully traversed.

Claim 10 recites that the storage medium can be “encased” in the holder. An illustration of a non-limiting example of how Applicants intended the word “encased” to be understood is given in Fig. 2a, where the storage medium is shown surrounded by the holder about its edges and partially surrounded on its faces by lips of holder material. New claim 21 has been added to clarify the meaning of the word “encased.”

The reference, EP 1083563, shows a holder onto which a storage medium can be mounted. The storage medium is not “encased.” The reference accordingly fails to teach or suggest claim 10.

### New claims

The new claims 16-20 recite details of the structure of the holder. These details allow the

## REMARKS

storage medium to be encased in the holder, in particular: an opening and deformable accommodation means (claim 16); a protrusion (claim 17), pair of lips (claim 18), longer and shorter lips (claim 19), and first and second pairs of lips with a bendable region (claim 20). These structures are neither taught nor suggested by the references.

Any of the Examiner's rejections and/or points of argument that are not addressed above would appear to be moot in view of the arguments already set forth. Nevertheless, Applicant reserves the right to respond to those rejections and arguments and to advance additional arguments at a later date. No arguments are waived and none of the Examiner's statements are conceded.

### Information Disclosure

Applicants note that the Internet document cited in the specification has not been made of record. Applicants accordingly submit them herewith along with a PTO/SB/8b form along with that document.

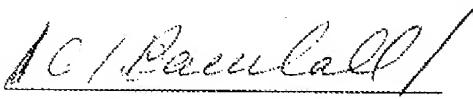
*Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.*

## REMARKS

Applicant respectfully submits that he has addressed each issue raised by the Examiner — except for any that were skipped as moot — and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

Respectfully submitted,

By

  
Anne E. Barschall, Reg. No. 31,089  
Tel. no. 914-332-1019  
Fax no. 914-332-7719  
Date of printing: June 19, 2007

In house contact at assignee:

Michael Belk  
Reg. No. 33,357  
Tel. # 914-333-9643